

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review of the Decision of the)	
Universal Service Administrator by)	
)	
Ponca City Public Schools)	File No. SLD-291588
Ponca City, Oklahoma)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: April 13, 2005

Released: April 13, 2005

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Ponca City Public Schools, Ponca City, Oklahoma (Ponca City).¹ The Request for Review seeks review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator). Consistent with precedent, we deny the Request for Review.

2. The SLD decision at issue in the Request for Review involves denial of funding because SLD found that Ponca City did not file all or part of its Funding Year 2002 FCC Form 471 application before the close of the filing window deadline.² In its Request for Review, Ponca City states that its Block 6 certification pages were sent to SLD by certified mail on December 18, 2002 and SLD acknowledged receipt of the certification when it signed the certified mail receipt on December 21, 2002.³ After review of the record, we find that Ponca City did not file a complete FCC Form 471 application by the close of the filing window.

3. Consistent with precedent, we deny the Request for Review. It is well established law that the absence of an official record of an event is evidence of the non-occurrence of the event.⁴ Because we find that the Ponca City's Block 6 certification was not filed at all, we deny the Request for Review.

¹Letter from Jerry Jantz, Ponca City Public Schools, to Federal Communications Commission, filed April 21, 2003 (Request for Review). Any person aggrieved by an action taken by a division of the Universal Service Administrative Company may seek review from the Commission. 47 C.F.R. § 54.719(c).

²*Id.* The deadline for Funding Year 2002 applications was January 17, 2002. See SLD website, <www.sl.universalservice.org/whatsnew/2001/112001.asp>.

³SLD did receive Block 6 certifications from Ponca City for five other applications on December 21, 2001. The certifications for application number 291588 (the application at issue) were not, however, included in the December 21, 2001 application package. See Letter from Universal Service Administrative Company, Schools and Libraries Division, to Jerry Jantz, Ponca City Public Schools, dated April 10, 2003.

⁴*Application of Herbert L. Rippe*, 44 FCC 2d 91 (Rev. Bd. 1973).

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Ponca City Public Schools, Ponca City, Oklahoma, on April 21, 2003, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Vickie S. Robinson
Deputy Chief
Telecommunications Access Policy Division
Wireline Competition Bureau